



Principals
Richard Rehmann, GISP
Richard Heggan, PLS, PP
Jeffery MacPhee, PLS
Carolyn A. Feigin, PE, PP

March 4, 2025

Lance B. Landgraf, Jr., PP, AICP
Casino Reinvestment Development Authority
Division of Land Use and Regulatory Enforcement
15 S Pennsylvania Avenue
Atlantic City, NJ 08401

Re: TECHNICAL REVIEW #1: CRDA # 2025-01-3779
Variance Approval
Caring, Inc.
2611 & 2619 S. Pacific Avenue (Block 169, Lots 7 & 8)
Atlantic City, NJ 08401
ARH # 2410106

Dear Mr. Landgraf:

ARH ASSOCIATES has reviewed the following information towards issuance of Variance Approval for the above-referenced Application:

TITLE / DESCRIPTION	PREPARED / SIGNED / SEALED BY	DATE	DATE LAST REVISED
CRDA Land Use Application	Owner / Applicant	01/20/2025	
Escrow Setup Information			
Project Narrative			
Property Survey & Site Plan	Arthur Ponzio Co.	10/09/2024	
Variance Plans Phase II Roof Deck	Daniel S. Mascione, Architect, LLC	08/26/2024	

Per this information, our office offers the following comments:

I. PROJECT INFORMATION & CONTACT INFORMATION

The 7,640 SF site is a corner lot with frontage on Pacific Avenue and Spray Avenue. The site is presently developed with a three-story building with two (2) retail uses and one (1) residential unit on the first floor with two (2) 2-story residential units above and a parking lot.

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Tinton Falls Office – 97 Apple Street – Suite 1 – Tinton Falls, NJ 07724 – 609.561.0482 – fax 609.567.8909

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The Applicant received a Certificate of Land Use Compliance on 09/27/2024 for the approval of the residential and retail units, ADA ramp, and nine (9) parking spaces. The Applicant now seeks variance approval for the proposed rooftop deck.

Below please find the contact information for the responsible parties associated with this Application:

APPLICANT/OWNER

Caring, Inc.
14 S. California Avenue
Atlantic City, NJ 08401
Phone: 609-484-7050
Email: jdougherty@jdnjlaw.com

ENGINEER/PLANNER

Arthur Ponzio Co.
400 N. Dover Avenue
Atlantic City, NJ 08401
Phone: 609-344-7301
Email: jbarnhart@aponzio.com

ATTORNEY

Hank N. Rovillard, Esq.
31 N. Brighton Avenue
Atlantic City, NJ 08401
Phone: 609-347-7301
Email: hnr@hnrnjlaw.com

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ARCHITECT
Daniel S. Mascione, A.T.A 1409 New Road Northfield, NJ 08225 Phone: 609-383-9000 Email: dsmastaff@gmail.com

II. ZONING REVIEW

The subject property is situated within the Resort Commercial (RC) zoning district. Mixed use buildings are permitted in the zone. Our review is limited to the proposed rooftop deck only and no parking or other site improvements have been analyzed. The table below summarizes the bulk requirements for this zone:

BULK ITEMS	REQUIREMENT	EXISTING	PROPOSED
Max. Principal Building Height	300 ft (from BFE)	< 300 ft	< 300 ft <i>(increased due to roof deck stair house)</i>
Min. Lot Area	7,500 sf	7,640 sf	NC
Min. Lot Depth	150 feet	100 feet (ENC)	NC
Min. Lot Width	50 feet	90 feet	NC
Min. Lot Frontage	50 feet	90 feet	NC
Min. Principal Front Yard Setback (> 35' in height)	20 feet	0 feet (ENC)	0 feet (roof deck) (V)
Min. Principal Side Yard Setback (> 35' in height)	20 feet	11.7 ft	18.1 ft (roof deck) (V)
Min. Principal Rear Yard Setback	20 feet	N/A	N/A
Max. Building Coverage	70 %	25 %	30 %
Max. Impervious Coverage	80 %	98 % (ENC)	NC

N/A = Not Applicable; NC = No Change; ENC = Existing Non-Conformity;
NP = Not Provided; TBP = To Be Provided; **V = Variance Required**

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The Applicant has requested the following variances with their application:

- a. Section 19:66-5.10(a)1.iv.(8) – Where a minimum front yard setback of 20 FT is required for a structure greater than 35 FT in height, whereas proposed rooftop deck on the existing structure has a front yard setback of 0 FT.

The following additional variances also appear necessary:

- a. Section 19:66-5.10(a)1.iv.(9) – Where a minimum side yard setback of 20 FT is required for a structure greater than 35 FT in height, whereas proposed rooftop deck on the existing structure has a side yard setback of 18.1 FT.

The Applicant should be prepared to provide testimony to the Board in support of the requested variances.

III. ENGINEERING COMMENTS

1. The site plan shall be revised to provide the missing tax map sheet # and the block and lot(s) as a condition of approval.
2. The site plan shall be revised to contain graphic scales.
3. The requirements for front yard setback on the Zoning Schedule on the site plan shall be revised to be 0 FT for below 35 FT in height and 20 FT for above 35 FT. The same is valid for the side yard setback as well and shall be reflected as such on the Zoning Schedule. Thus, a variance is needed from the front and side yard setbacks for the proposed roof deck as the setbacks are 0 FT for the front and 18.1 FT to the side.
4. The building height as measured from the BFE shall be provided on the plans/building elevations. Please note that building height is measured from the BFE to the highest point of the building, which is the peak of the stairwell structure. The building elevations shall be revised to provide the elevations of the FF, BFE, and roof peak.
5. The Applicant shall supply four (4) photographs of the site as a condition of approval.

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IV. COFONE CONSULTING PLANNING REVIEW

Zoning Compliance

The property is located in the Resort Commercial (RC) District. As stated at CRDA Land Development Rules Section at N.J.A.C. 19:66-5.10, the purpose of the RC District is as follows:

The purpose of the RC Resort Commercial District is to provide an array of land uses that will capitalize on the zoning district's geographical advantages of the zoning district's proximity to the boardwalk and the Atlantic Ocean. The Resort Commercial District also offers the highest intensity residential offerings within the Tourism District with a variety of supportive commercial and services uses. The vision is to create an environment where residential and resort offerings seamlessly integrate.

Our review of the site plan is limited to only the rooftop deck that requires a variance for being within the front and side yard setback areas. All other improvements, including parking lot, ADA ramp, and retail/residential uses in the building, have been previously approved via a CLUC, dated September 27, 2024.

Master Plan Review

The subject property is located within the Atlantic City Tourism District. Pursuant to the New Jersey CRDA Atlantic City Tourism District Master Plan, the overall intention and vision is to "reinvigorate Atlantic City in the near-term as the leading resort destination in the Northeast and beyond (Page 4, New Jersey CRDA Atlantic City Tourism District Master Plan). Among others, overarching objectives are to "develop an economically viable and sustainable tourism district" and "[expand] Atlantic City's tourism and economic bases" (Id, Page 1-2).

Planning Analysis and Issues for Consideration by the Board

In regard to the "c" variance, the Municipal Land Use Law (MLUL) at NJSA 40:55D-70c sets forth the standards for variances from the bulk regulations of a zoning ordinance. A "c(1)" variance is for cases of hardship due to factors such as shape or topography, or due to "an extraordinary and exceptional situation uniquely affecting a specific

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piece of property or the structures lawfully existing thereon.” A “c(2)” variance may be granted where the purposes of zoning are advanced and the benefits of deviating from the ordinance requirements outweigh any detriments. The benefits derived from granting a “c(2)” variance must include benefits to the community as a whole, not just to the applicant or property owner. A “c” variance application also must address the “negative criteria.”

We offer the following for your consideration in reviewing the Application:

- 1) The Applicant’s professional planner shall provide the required statutory proofs for the proposed variance.
- 2) The Applicant’s professionals shall provide testimony regarding the design details of the roof top deck and railing system, with a specific focus on its safety attributes and ingress/egress.
- 3) The Applicant shall discuss how the application will advance the intent of the New Jersey CRDA Atlantic City Tourism District Master Plan and the Tourism District.
- 4) The Applicant shall comply with the conditions of all previous approvals received for the site.
- 5) The Applicant shall furnish any resolution and/or prior approvals from, and agreements with, the City of Atlantic City, if any.

V. POST APPROVAL CONSIDERATIONS

Should the Board grant the desired approval for this Application, Applicant, and/or its professionals must:

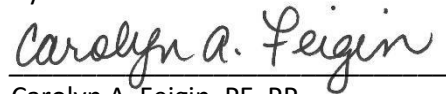
- A. Submit any required revisions to the Board as outlined above for review.**
- B. Obtain approvals from all outside agencies, if necessary. Provide copies to the Board.**
- C. Contact the Board Secretary to reconcile any outstanding review escrow accounts prior to Final Plan Certification, Signature, or the issuance of building permits, as applicable.**

Any resubmissions in response to this report should be accompanied by a point-by-point response to all items. To facilitate the Board's decision-making process, Applicants are strongly encouraged to resolve as many items as possible prior to the hearing on this matter.

Respectfully Submitted,

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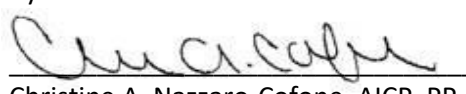
By



Carolyn A. Feigin, PE, PP
CRDA Consulting Engineer

COFONE CONSULTING GROUP

By



Christine A. Nazzaro-Cofone, AICP, PP
CRDA Consulting Planner

cc: Robert L. Reid, AICP, NJPP
Christine A. Nazzaro-Cofone, AICP, PP
Scott Collins, Esq.
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